

## Edwards & Angell LLP

101 Federal Street Boston, MA 02110 617.439.4114 fax 617.439.4170  
www.EdwardsAngell.com

OFFICIAL

RECEIVED  
CENTRAL FAX CENTER

SEP 29 2003

Date : September 26, 2003

From : John B. Alexander, Ph.D.

Fax : (617) 439-4170

Direct : (617) 517-5555

To : Group 1600

U.S. Trademark & Patent Office

Fax : (703) 872-9307

Direct :

Pages : 15

(including cover sheet)

If you received a partial delivery, please call Michelle P. Chicos at (617) 517-5551.

Re :

Enclosed please find a Reply to the Office Action in connection with U.S. Serial No. 09/889,379.

Please do not hesitate to contact me if you have any questions, or if I can be of any further assistance at this time.

Best Regards,

John B. Alexander, Ph.D.

JBA:mpc

# Fax

Confidentiality Note : The documents accompanying this facsimile contain information from the law firm of Edwards & Angell, LLP, which may be confidential and/or privileged. The information is intended for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile is strictly prohibited, and that the documents should be returned to this firm immediately. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

BOSTON | FT LAUDERDALE | HARTFORD | NEW YORK | PROVIDENCE | SHORT HILLS, NJ | STAMFORD | WEST PALM BEACH | LONDON

Received from <617 439 4170> at 9/26/03 3:19:57 PM [Eastern Daylight Time]

Practitioner's Docket No. 56212 (71526)

PATENT

OFFICIAL

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: H. Sugiyama et al.

Application No.: 09/889,379

Group No.: 1637

Filed: July 16, 2003

Examiner: J. Tung

For:

DEVELOPMENT OF METHOD FOR SCREENING PHYSIOLOGICALLY ACTIVE PYRROLE IMIDAZOLE DERIVATIVE

RECEIVED  
CENTRAL FAX CENTER

SEP 29 2003

Mail Stop: AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

## AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Request for Reconsideration for this application.

## STATUS

2. Applicant is
- ☐ a small entity. A statement:
- ☐ is attached.
- ☐ was already filed.
- ☒ other than a small entity.

## EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period."

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

- ☐ deposited with the United States Postal Service with sufficient postage by First Class Mail in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

## FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office, Group 1637 at (703) 872-9307.

Signature Michelle P. Chicos

Michelle P. Chicos

(type or print name of person certifying)

Date September 26, 2003

(Amendment Transmittal--page 1 of 4)

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

*(complete (a) or (b), as applicable)*

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 410.00	\$ 205.00
<input type="checkbox"/>	three months	\$ 930.00	\$ 465.00
<input type="checkbox"/>	four months	\$ 1,450.00	\$ 725.00

Fee: \$0.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal—page 2 of 4)

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below

(Col.1)	(Col. 2)	SMALL ENTITY			OR	OTHER THAN A SMALL ENTITY	
Claims Remaining After Amendment **	Highest No. Previously Paid For **	Present Extra	Rate	Addit. Fee		Rate	Addit. Fee
			<b>\$9.00</b>	<b>\$0.00</b>		<b>\$18.00</b>	<b>\$0.00</b>
Independent Claims			<b>\$42.00</b>	<b>\$0.00</b>		<b>\$84.00</b>	<b>\$0.00</b>
First Presentation of Multiple Dependent Claim+			<b>\$140.00</b>	<b>\$0.00</b>		<b>\$280.00</b>	<b>\$0.00</b>
						<b>Total Addit. Fee</b>	<b>\$0.00</b>

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$ \_\_\_\_\_

**FEE PAYMENT**

5. ☐ Attached is a check in the sum of \$ \_\_\_\_.
- ☐ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_.
- A duplicate of this transmittal is attached.

(Amendment Transmittal--page 3 of 4)

**FEE DEFICIENCY**

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

**AND/OR**

☒ If any additional fee for claims is required, charge Account No. 04-1105.

Date: September 26, 2003



**SIGNATURE OF PRACTITIONER**

John B. Alexander, Ph.D. (Reg. No. 48,399)

*(type or print name of practitioner)*

EDWARDS & ANGELL, LLP  
Dike, Bronstein, Roberts & Cushman  
Intellectual Property Group  
P.O. Box 9169  
Boston, MA 02209  
Tel. No. (617) 439-4444

Customer No. 21874

BOS2\_349641.1

(Amendment Transmittal--page 4 of 4)

Received from < 617 439 4170 > at 9/26/03 3:19:57 PM [Eastern Daylight Time]

Docket No. 56212 (71526)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** H. Sugiyama, et al.

**SERIAL NO.:** 09/889,379

**EXAMINER:** J. Tung

**FILED:** July 16, 2003

**GROUP:** 1637

**FOR:** DEVELOPMENT OF METHOD FOR SCREENING  
PHYSIOLOGICALLY ACTIVE PYRROLE IMIDAZOLE  
DERIVATIVE

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

\*\*\*\*\*

**AMENDMENT**

Sir:

Applicants are in receipt of the Office Action dated July 3, 2003 and request reconsideration of the above-identified application in view of the following amendments and remarks. Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.